

Recording requested by:

STATE WATER RESOURCES CONTROL BOARD

Pursuant to Water Code Section 1650 and
Government Code Section 27383

When recorded mail to:

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

P.O. Box 2000

Sacramento, CA 95812-2000

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 11268 Permit 6858 License 3124

**ORDER CORRECTING SOURCE, AND POINTS OF DIVERSION,
ISSUANCE OF SEPARATE LICENSES,
AND REVOCATION OF ORIGINAL LICENSE**

WHEREAS:

1. License 3124 was issued to Alfred Kuhn on December 11, 1950 pursuant to Application 11268 and recorded with the County Recorder of Sacramento County on December 20, 1958.
2. License 3124 was subsequently assigned to Betty L. Kuhn and Delta Breeze Vineyards, L.L.C.
3. The State Water Resources Control Board (SWRCB) staff has determined corrections are needed to identify the source and points of diversion with the actual location as they exist. Projected sections are used to describe the points of diversion and place of use.
4. By letter dated October 23, 1996, a request was made for the issuance of separate licenses to reflect the individual ownerships of Betty L. Kuhn and Delta Breeze Vineyards, L.L.C.
5. The SWRCB has determined the correction to the source, points of diversion and places of use do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water, and that good and sufficient cause has been shown for the corrections, and subsequent issuance of separate licenses.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The source under this license shall be corrected as follows:

Dredger cut, East Extension Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River.
2. The description for the points of diversion (2) and (3) shall be corrected as follows:

(2) North 54 feet and East 1,858 feet from projected Section 6, T5n, R5e, MDB&M, being within the SE¼ of SW¼ of Section 31, T6n, R5E, MDB&M.

(3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.
3. License 3124 be replaced by License 3124A issued to Betty L. Kuhn and License 3124B issued to Delta Breeze Vineyards, L.L.C.
4. Superseded License 3124 is hereby revoked upon issuance of License 3124A and 3124B.
5. Separate licenses be issued as follows:
 - A. License: 3124A (Application 11268A)
Owner: Betty L. Kuhn
2705 K Street, Suite 1
Sacramento, CA 95816

Source: Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County

Use: Irrigation and stockwatering
Amount: 16.5 cubic feet per second
Maximum Annual
Amount: 8,004 acre-feet
Season: March 1 to November 1 (Irrigation)
January 1 to December 31 (Stockwatering)

Points of Diversion: (1) South 385 feet and West 3775.06 feet from projected Section 1, T5N, R4E, MDB&M, being within the NE¼ of NW¼ of said Section 1.

(2) North 54 feet and East 1858 feet from projected Section 6, T5N, R5E, MDB&M, being within the SE¼ of SW¼ of Section 31, T6N, R5E, MDB&M.

Place of Use: 1,129 net acres within a gross area of 1257 acres located within Sections 1 and 12, T5N, R4E, MDB&M and in Sections 5, 6, & 7, T5N, R5E, MDB&M, as shown on map on file within the SWRCB.
 - B. License: 3124B (Application 11268B)
Owner: Delta Breeze Vineyards, L.L.C.
118 North Fairway Circle
Litchfield Park, AZ 85340

Source: Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County.

Use: Irrigation and Stockwatering.

Amount: 4.5 cubic feet per second.
Maximum Annual Amount: 2,183 acre-feet

Season: March 1 to November 1 (Irrigation)
January 1 to December 31 (Stockwatering)

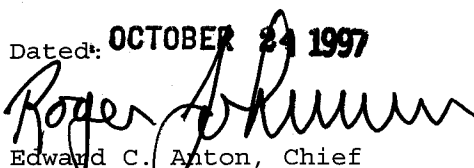
Points of
Diversion: (3) North 54 feet and East 1,880 feet from NW projected Section 6, T5N, R5E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, T6N, R5E, MDB&M.

(4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 31.

219.8 acres within N $\frac{1}{2}$ of projected Section 5
96.3 acres within S $\frac{1}{2}$ of projected Section 5
316.1 net acres with a gross area of 320.1 acres,
as shown on map on file with the SWRCB.

6. Licenses 11268A and 11268B shall contain all other terms and conditions presently in License 11268 or the updated versions for compliance with the SWRCB policy.

Dated: **OCTOBER 24 1997**

for 
Edward C. Anton, Chief
Division of Water Rights

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STATE OF CALIFORNIA
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DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

Page 1 of 4

APPLICATION 11268A

PERMIT 6858

LICENSE 3124A

THIS IS TO CERTIFY, That

Betty L. Kuhn
2705 K Street, Suite 1
Sacramento, CA 95816

has made proof as of **November 17, 1949** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of

Dredger Cut, East Extension of Snodgrass Slough in Sacramento County

tributary to **Snodgrass Slough thence Mokelumne River**

for the purpose of **Irrigation and Stockwatering uses**

under Permit **6858** of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from **January 25, 1946** and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **sixteen and five tenths (16.5) cubic feet per second**.

**March 1 to about November 1 for irrigation purposes, and
January 1 to December 31 for stockwatering purposes.**

The maximum amount diverted under this license shall not exceed **8,004 acre-feet per year**.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) South 385 feet and West 3,775.06 feet from NE corner of projected Section 1, T5N, R4E, MDB&M, being within NE¼ of NW¼ of said Section 1.

Application 11268A

Page 2 of 4

(2) North 54 feet and East 1,858 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, T6N, R5E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

1,129 net acres within a gross area of 1,257 acres, located within projected Sections 1 and 12, T5N, R4E, MDB&M, and in projected Sections 5, 6, and 7, T5N, R5E, MDB&M, as shown on map on file with State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code.

No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MARCH 12 1997

STATE WATER RESOURCES CONTROL BOARD

Roger Shuman
for Chief, Division of Water Rights